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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10 087,718	03/01/2002	Kishan Khemani	11527.355	7476

22913 7590 06/02/2003

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EXAMINER

RAJGURU, UMAKANT K

ART UNIT

PAPER NUMBER

1711

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

Applicant(s)

Examiner

Group Art Unit

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

☒ Responsive to communication(s) filed on Feb 05, 2003 (paper 8) and Feb 27, 2003 (paper 10)

☒ This action is **FINAL**.

- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-38 is/are pending in the application.

Of the above claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-38 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

Application Papers

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☐ All ☐ Some* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

Attachment(s)

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 9

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

1. Two amendments (Paper Nos. 8 and 10) and IDS (Paper No. 9) have been filed on February 05, 2003, February 27, 2003 and February 5, 2003 resp.
2. Claims under examination are 1-38.
3. Rejection of claim 14 under 35 USC 112, second paragraph (see item 2 of prior Office action, Paper No. 6) is withdrawn.
4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Andersen et al (USP 6,168,857).
6. Claims 1-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersen et al (USP 6,168,857).

Please see items Nos. 4 and 5 of same Office action for this rejection.

7. Applicant's arguments filed February 5, 2003 (Paper No. 8) and February 27, 2003 (Paper No. 10) have been fully considered but they are not persuasive.

On page 10 (of Paper No. 8), the applicants state that Andersen does not teach stretching. This is true. Nonetheless, it is the examiner's position that whenever a film is formed from a composition, it is invariably stretched in one or two directions. Also, such a stretching step is quite well-known in the art.. It is also consequential that few tiny cavities are formed as a result of such stretching.

Applicant's next argument (on page 10) that "Andersen does not teach polymer blend of instant claim 13" is not acceptable since Andersen in cols. 17 and 18 mentions various polymers suitable for incorporation with starch.

Applicant's next argument that "Andersen discloses hydrophilic binders (page 11)" is not convincing since many of the polymers in col. 18, lines 41-65 are hydrophobic (as can be seen from their structures). Applicants' argument that "sheets or films of Andersen comprising hydrophilic polymers are not inherently water-resistant" is not convincing because even a hydrophilic polymer can be made resistant to water after suitable cross-linking.

As regards the argument (page 13), that "sheets of Andersen will have a relatively uniform surface which will not have at least some filler particles protruding" is not convincing because Andersen uses extrusion also for forming sheets (see Andersen, col. 7, lines 16-17; col. 27, lines 40-41; col. 28, line 18 and col. 34, lines 36-38).

Applicants have amended certain claims by a recent amendment (Paper No. 10) to include a limitation of "extruding, blowing or casting". The claims are still unpatentable over Andersen, which discloses extrusion as a method of forming sheets or films.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication from the examiner should be directed to U.K. Rajguru whose telephone number is 703-308-3224. The examiner can generally be reached on Monday-Friday 9:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on 703-308-2462. The fax phone numbers for the organization where this application is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-0661.

U.K. Rajguru/dh
May 27, 2003



James J. Seidleck
Supervisory Patent Examiner
Mailing Center 1700